

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARREL WAYNE VANDERGRIFF,

Plaintiff,

v.

TONY GAMBONE *et al.*,

Defendants.

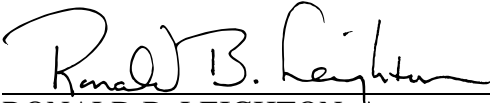
Case No. C06-5381RBL

ORDER ADOPTING THE REPORT  
AND RECOMMENDATION

The Court, having reviewed the file, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's motion for Summary Judgment is **DENIED**. An answer has been filed and plaintiff can show no injury as a result of the two-month delay in this case.
- (3) Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold .

DATED this 1<sup>st</sup> day of May, 2007.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE